



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, FEBRUARY 19, 2003

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority: Government Code Section 54965.9(a)

Case Name: Morgan Hill Unified School District v. Minter & Fahy

Case No.: Santa Clara County Superior Court, No. CV 772368

Attendees: City Council, City Manager, City Attorney, Mark Strombotne,
Special Counsel

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)

Case Name: City of Campbell et al. v. CalPERS

Case Number: OAH 5119

Attendees: City Attorney, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT

Council Member Tate

COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-17 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **JANUARY 2003 FINANCE & INVESTMENT REPORT** **1**
 Recommended Action(s): **Accept and File** Report.
2. **PERFORMANCE MEASURE UPDATE – FEBRUARY 2003** **25**
 Recommended Action(s): **Receive and File** Report.
3. **SECOND QUARTER REPORT, 2002-2003 WORKPLAN** **37**
 Recommended Action(s): **Accept** Report.
4. **GMP METAL PLATING, INC. SEWER FEE FINANCING** **61**
 Recommended Action(s): **Direct** the City Manager to do Everything Necessary to Modify the GMP Metal Plating, Inc. Sewer Fee Loan Documents to Reflect Results Derived From the Monitoring Process.
5. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM AMENDED FOURTH QUARTER
REPORT FOR 2002** **63**
 Recommended Action(s): **Accept** and **File** Amended Fourth Quarter Report for 2002.
6. **PURCHASE OF VEHICLES** **77**
 Recommended Action(s):
 1. **Authorize** Vehicle Purchases Through the State of California General Services Procurement Process for the Vehicles Identified in This Report for a Total Cost of \$111,124.00; and
 2. **Declare** Vehicles Itemized on Spreadsheet as Surplus and **Authorize** Sale at Auction.

7. **FINAL MAP ACCEPTANCE FOR MISSION RANCH PHASE VI (TRACT 9424)** 81
Recommended Action(s): **Approve** the Final Map.

8. **FINAL MAP ACCEPTANCE FOR COYOTE ESTAES PHASE VII (TRACT 9461)** 85
Recommended Action(s): **Approve** the Final Map.

9. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH T.K. AND PARMINDER SINGH** 89
Recommended Action(s):
 1. **Approve** Subdivision Agreement and Improvement Plans;
 2. **Authorize** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
 3. **Authorize** the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.

10. **AMEND PROFESSIONAL SERVICES AGREEMENT FOR ACQUISITION SERVICES FOR CUTLER AND ASSOCIATES FOR TENNANT AVENUE WIDENING** 101
Recommended Action(s):
 1. **Approve** Additional Scope of Work for Cutler & Associates in the Amount of \$9,000; and
 2. **Authorize** the City Manager, subject to approval as to form by City Attorney, to Execute an Amendment to the Existing Professional Services Agreement for Right-of-Way Acquisition Services for the Tennant Avenue Widening Project. The Total Amended Professional Services Agreement Shall Not Exceed \$26,500.

11. **APPROVAL OF RIGHT-OF-WAY PURCHASE AGREEMENTS FOR TENNANT AVENUE WIDENING (APN: 817-04-004 AND 817-04-005)** 103
Recommended Action(s):
 1. **Approve** Purchase; and
 2. **Authorize** the City Manager to Execute Purchase Agreements, subject to approval as to form by City Attorney, with the Owner of APN's 817-04-004 and 817-04-005 for a Total Compensation of \$55,000, Plus Escrow and Closing Costs for the Acquisition of These Two Properties.

12. **COUNCIL RESOLUTION SUPPORTING GRANT FUNDING FOR A SEGMENT OF LLAGAS CREEK TRAIL, BETWEEN LA CROSSE AND WATSONVILLE ROAD** 107
Recommended Action(s):
 1. **Adopt** Resolution No. 5642 Supporting a Segment of Llagas Creek Trail as the City's 2003-2004 Transportation Fund for Clean Air (TFCA 40%) Project Candidate; and
 2. **Appropriate** 10%, or \$15,000, From the Unappropriated Street Fund Balance (2002) for this Project.

13. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR VILLA CIOLINO HOUSING PROJECT** 113
Recommended Action(s):
 1. **Adopt** Resolution No. 5643 Accepting the Public Improvements for Villa Ciolino Housing Project; and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

14. **COUNCIL RESOLUTION CONFIRMING CITY COUNCIL ADOPTION OF 2001 BIKEWAYS MASTER PLAN** 119
Recommended Action(s): **Adopt** Resolution No. 5644, Thereby Confirming City Council Adoption of January 2001 Bikeways Master Plan at the July 25, 2001, City Council Meeting.

15. **EMERGENCY AUTHORIZATION FOR WATER MAIN REPLACEMENT ALONG RUSTLING OAK COURT** 125
Recommended Action(s):
1. **Adopt** Resolution No. 5645 Declaring the Need for This Emergency Expenditure; and
2. **Approve** Expenditure of \$25,000 from the 2002-2003 Public Works–Water Division Operating Budget; and \$40,000 from the 2002-2003 CIP– Water Replacement Budget to Fund an Emergency Water Main Replacement on Rustling Oak Court.
16. **APPROVAL OF PURCHASE ORDER FOR CONSTRUCTION OF THE PUBLIC WORKS OFFICE EXPANSION AND REMODEL PROJECT** 129
Recommended Action(s): **Authorize** the City Manager to Execute a Purchase Order in the Amount of \$76,400 with Link Construction Company, Inc. for Work on the Public Works Office Expansion and Remodel Project.
17. **ADOPT ORDINANCE NO. 1604, NEW SERIES** 133
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1604, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 17.32.160 (Improvement agreement–Preparation–Contents) AND ADDING SECTION 17.32.165 (Improvement agreement-Reimbursement Provisions) OF CHAPTER 17.32 (Improvements and Improvement Agreements) OF TITLE 17 (Subdivisions) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING REIMBURSEMENT AGREEMENTS WITH DEVELOPERS FOR PUBLIC IMPROVEMENTS.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 18-20

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
18.	<u>APPROVE JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JANUARY 24, 2003</u>	139
19.	<u>APPROVE JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JANUARY 29, 2003</u>	141
20.	<u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 5, 2003</u>	155

City Council Action

PUBLIC HEARINGS:

	<u>Time Estimate</u>		<u>Page</u>
21.	5 Minutes	<u>EXCEPTION TO LOSS OF BUILDING ALLOCATION, ELBA-03-01: EVENING STAR - BRISACHER</u>	189
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolution No. 5641, Granting an Exception to Loss of Building Allocation and Approve a Two-year Extension of Time.	
22.	5 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 00-12: EAST DUNNE-GREWAL</u>	199
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Amendment DAA Ordinance No. 1605, New Series. Action- <u>Motion to Introduce</u> DAA Ordinance No. 1605, New Series by Title Only. (Roll Call Vote).	
23.	15 Minutes	<u>GENERAL PLAN AMENDMENT APPLICATION: GPA 02-05/URBAN SERVICE AREA APPLICATION: USA 02-03/ ZONING AMENDMENT ZA 02-14 AND ANNEXATION APPLICATION ANX: 02-03: CONDIT-CITY OF MORGAN HILL AQUATIC COMPLEX</u>	215
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Adopt</u> Mitigated Negative Declaration. Action- <u>Motion to Adopt</u> Resolution No. 5646 Approving General Plan Amendment. Action- <u>Motion to Adopt</u> Resolution No. 5647 Approving an Amendment to the Urban Service Area Boundary. Action- <u>Motion to Waive</u> the Reading in Full of Prezone Ordinance No. 1606, New Series. Action- <u>Motion to Introduce</u> Prezone Ordinance No. 1606, New Series by Title Only. (Roll Call Vote). Action- <u>Motion to Adopt</u> Resolution No. 5648 Approving Annexation.	

City Council Action

OTHER BUSINESS:

	<u>Time Estimate</u>		<u>Page</u>
24.	25 Minutes	<u>DISCUSSION OF PHASING FOR COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD)</u>	249
		<u>Recommended Action(s): Discuss</u> and <u>Give Direction</u> Regarding the Phasing of Development Within the Proposed PUD Zoning at Tennant Avenue and Highway 101.	

25.	35 Minutes	<u>NEW MORGAN HILL POLICE FACILITY</u>	257
		<u>Recommended Action(s):</u> <u>Direct</u> Staff on How to Proceed With the Development of a New Police Facility.	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
26.	20 Minutes	<u>SANTA CLARA COUNTY'S MORGAN HILL COURTHOUSE PROJECT</u>	285
		<u>Recommended Action(s):</u>	
		1. <u>Consider</u> the Letters from the County of Santa Clara Regarding Their Courthouse Project; and	
		2. <u>Direct</u> Staff on How to Proceed.	

City Council and Redevelopment Agency Action

PUBLIC HEARINGS:

	Time Estimate		Page
27.	5 Minutes	<u>LEASE WITH THE CALIFORNIA YOUTH SOCCER ASSOCIATION (CYSA)</u>	329
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Adopt</u> Resolution 5640 and Resolution MHRA-242 Approving a New Lease Agreement with the California Youth Soccer Association (CYSA) for the Property Located at 16545 Murphy Avenue.	
		Action- <u>Direct</u> the City Manager/Executive Director to do Everything Necessary to Execute the New Lease Agreement.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
28.	5 Minutes	<u>AMEND CHAPTER 2.56 – ARCHITECTURAL AND SITE REVIEW BOARD (ARB) REGARDING EXTENSION OF TERMS OF OFFICE AND APPOINTMENT TO ARB</u>	347
		<u>Recommended Action(s):</u>	
		1. <u>Waive</u> the First and Second Reading of Ordinance No. 1607, New Series; and	
		2. <u>Introduce</u> Ordinance Regarding Boards and Commissions and Extension of Appointments Thereto.	
		3. <u>Waive</u> the First and Second Reading of Ordinance No. 1608, New Series; and	
		4. <u>Introduce</u> Ordinance Regarding Terms of Office for Architectural and Site Review Board Members.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT